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**IN UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Simeon Washa Amen Ra,
Ex Rel Simeon Lewis
Plaintiff

vs.

BNSF RAILWAY COMPANY,
Named and Unnamed Employees
Defendant,

Civil Action file

No: 14-CV-7173

Judge John Z. Lee

Magistrate Judge Sheila M. Finnegan

FILED

JUL 20 2015

THOMAS J. O'DONNELL
CLERK, U.S. DISTRICT COURT

MOTION TO STRIKE ORDER

Now comes, Simeon Washa Amen Ra (Plaintiff), before this honorable court seeking an order that will strike Magistrate Finnegan's issued order [Doc# 75, Page 1 of 1]. Plaintiff filed an Emergency Injunction, Affidavit of Support and Exhibits [Doc#71]. The hearing was held on 07/16/15.

Pursuant to Rule 12: Defenses and Objections of the Federal Rules of Civil Procedure, Plaintiff also objects to said Hearing because it was not held in a fair and impartial manner. Plaintiff presented evidence to support his position and Defendant presented absolutely no documentation to support their actions. Plaintiff explained in detail the possible irreparable harm and continued injury he is suffering and feels the injunction should have been granted at the Hearing.

At said hearing Plaintiff requested that the emergency injunction be granted because Defendant does not have proof of a judgment levy and court order signed by a judge that would authorize the garnishment of Plaintiff's pay.

Plaintiff is asking that the order issued on 07/16/15 by Magistrate Finnegan be stricken because the instructions to the Defendant for production of documents is improper and this is a detriment to Plaintiff's argument.

1. Magistrate's order reads as such:

"MINUTE entry before the Honorable Sheila M. Finnegan: Motion Hearing held on 7/16/2015. Defendant's response with attachment of the notices of levy to Plaintiff's emergency preliminary injunction [71] to be filed by 7/30/2015. Plaintiff's reply due by 8/13/2015. Mailed notice. (is,)".....Emphases added.

2. Plaintiff clearly and adamantly stated in the hearing that he wanted to see the **court order** and actual **Levy** document, NOT a copy of a **Notice of levy**. Defendant did not produce anything.

3. A Notice of Levy and an actual Levy are two distinct and separate documents at law.

Freeman v. Mayer, 152 F.Supp. 383 (1957):

A "levy" requires that property be brought into legal custody through seizure, actual or constructive, levy being an absolute appropriation in law of property levied on, and mere notice of intent to levy is insufficient. United States v. O'Dell, 6 Cir., 1947, 160 F.2d 304, 307. Accord, In re Holdsworth, D.C.N.J. 1953, 113 F.Supp. 878, 888; United States v. Aetna Life Ins. Co. of Hartford, Conn., D.C.Conn. 1942, 146 F.Supp. 30, 37, in which Judge Hincks observed that he could "find no statute which says that a mere notice shall constitute a 'levy.'"

Prayer for relief

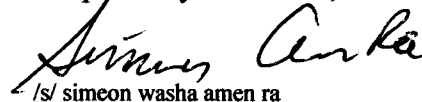
WHEREFORE, Plaintiff humbly request that Judge Lee review the Emergency Injunction, Affidavit in support, Exhibits and grant injunctive relief immediately and instantly before notice is received by Defendant, based on evidence presented by Plaintiff [Doc# 71].

Plaintiff also humbly request that this Honorable Courts Injunctive Relief will:

(A) Instruct Defendant to cease any further withholding of property based on a mere "Notice of Levy" or any future "Notices" without a bonafide court order signed by a judge from a court of competent jurisdiction.

(B) Instruct Defendant to return Plaintiff's pay in the amount of \$12,552.21.

Respectfully submitted,



/s/ simeon washa amen ra

P.O. Box 199273

Chicago, Illinois 60619

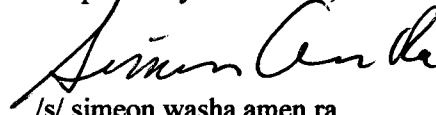
CERTIFICATE OF SERVICE

The undersigned, Pro se of record for the plaintiff, hereby certifies that on July 20, he served a copy of the above, Motion to Strike Order and this certificate of service, on:

TO: Daley Mohan Groble
Heather R. Adams
55 W. Monroe, Suite 1600
Chicago, Illinois 60603

By regular mail: USPS

Respectfully submitted,



/s/ simeon washa amen ra
P.O. Box 199273
Chicago, Illinois 60619